

REMARKS

Reconsideration of this application, based on this amendment and these following remarks, is respectfully requested.

Claims 1 through 24 remain in this case. Amendment to claims 1 through 12 is presented.

Claims 1, 3, and 12 were finally rejected under §112, ¶2, as indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, claim 1 was rejected for lacking antecedent basis for the limitation "the content", claim 3 was rejected for lacking antecedent basis for the limitation "the frame buffer", and claim 12 was rejected for lacking antecedent basis for the limitation "the microprocessor".

Claim 1 is proposed to be amended to overcome the §112 rejection, by now reciting that the access device is operable to wirelessly access content comprising HTML commands. The specification clearly supports this proposed amendment to claim 1,¹ and as such no new matter is presented. Applicants further respectfully submit that the proposed amendment to claim 1 is in no way narrowing.² Applicants respectfully submit that, upon entry of this amendment to claim 1, the claim will be in sufficiently definite form to meet the requirements of §112.

Claims 2 through 11 are all proposed to be amended for further clarity, by referring to the display system of claim 1, rather than the display device as previously recited. Applicants respectfully submit that this proposed amendment to claims 2 through 11 is in no way narrowing.³

Claim 3 is also proposed to be amended to overcome the specific §112 rejection to it, by now reciting that the display device of the system of claim 1 further comprises a frame buffer

¹ Specification of S.N. 09/802,353, page 7, lines 9 through 18.

² See *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 535 U.S. 722, 62 USPQ2d 1705 (2002), *on remand*, 304 F.3d 1289, 64 USPQ2d 1698 (Fed. Cir. 2002).

³ *Festo*, *supra*.

and a digital signal processor, thus providing antecedent basis for the element of the frame buffer. Applicants submit that no new matter is presented by this proposed amendment to claim 3, considering the support for this recitation in the specification,⁴ and that this proposed amendment to claim 3 is in no way narrowing.⁵ Applicants further respectfully submit that this proposed amendment is sufficient to overcome the final rejection under §112 to claim 3.

Claim 12 is proposed to be amended to overcome its specific §112 rejection, by referring to the "processor" in its line 9, rather than the objectionable term "the microprocessor", consistent with the antecedent basis for the "processor" in the immediately preceding element. No new matter is presented by this proposed amendment, nor is this proposed amendment to claim 12 in any way narrowing.⁶ Applicants submit that, upon entry of this amendment to claim 12, the §112 rejection to the claim will be obviated.

Applicants therefore respectfully submit that, upon entry of the amendment to claims 1 through 12, the final rejection of claims 1, 3, and 12 will be overcome.

Claims 1, 2, 4, 10, 12, 13, 16, 17, and 22 were finally rejected under §103 as unpatentable over the Stork et al. reference⁷ in view of the Bodin et al. reference⁸ and the Schwartz et al. reference.⁹ Claims 5, 11, 18, and 23 were finally rejected under §103 as unpatentable over the Stork et al. reference in view of the Bodin et al. and Schwartz et al. references, as applied above, and further in view of the Richardson et al. reference¹⁰. Claims 7 through 9, 20, and 21 were finally rejected under §103 as unpatentable over the Stork et al. reference in view of the Bodin et al. and Schwartz et al. references, as applied above, and further in view of the MacAuley et al. reference¹¹. Claims 6 and 19 were finally rejected under §103 as unpatentable over the Stork et al. reference in view of the Bodin et al. and Schwartz et al. references, as applied above, and

⁴ Specification, *supra*, page 11, lines 15 through 23.

⁵ *Festo, supra*.

⁶ *Festo, supra*.

⁷ U.S. Patent No. 6,104,380, issued August 15, 2000 to Stork et al.

⁸ U.S. Patent No. 6,311,223 B1, issued October 30, 2001 to Bodin et al.

⁹ U.S. Patent No. 6,473,609 B1, issued October 29, 2002 to Schwartz et al.

¹⁰ U.S. Patent No. 6,028,764, issued February 22, 2000 to Richardson et al.

¹¹ U.S. Patent No. 6,663,560 B2, issued December 16, 2003 to MacAuley et al.

further in view of the Lemilainen et al. reference¹². Claims 3, 14, and 15 were finally rejected under §103 as unpatentable over the Stork et al. reference in view of the Bodin et al. and Schwartz et al. references, as applied above, and further in view of the Anderson reference¹³. And claim 24 was finally rejected under §103 as unpatentable over the Stork et al. reference in view of the Bodin et al. and Schwartz et al. references, as applied above, and further in view of the Devins et al. reference¹⁴.

Applicants respectfully traverse the §103 rejection of claim 1 and its dependent claims, for the reasons discussed below. Withdrawal of this rejection is respectfully requested.

In making the rejection of claim 1, the Examiner asserted that the Stork et al. reference discloses the access device and display device of the claims. While the Examiner admits that the Stork et al. reference fails to explicitly teach the claimed construction of the display device as including a processor programmed to interpret HTML commands and to generate pixel data accordingly, and a display engine operable to receive that pixel data, the Examiner asserted that this construction is disclosed by the Bodin et al. reference. The Examiner further asserted that, while the Stork et al. reference fails to teach that the access device accesses HTML commands wirelessly from a network, the Schwartz et al. reference teaches access devices such as PDAs and cellular telephones that do so. Motivation to combine these teachings to arrive at the claim was found, by the Examiner, to have been obviously apparent to the skilled artisan in order to "create a system that provides a user with the ability to obtain network data wirelessly and forward the network data to a display device such as a projector in order to present the obtained network data to a group of viewers, *i.e.*, during a presentation".¹⁵

It is axiomatic, in the patent law, that a *prima facie* obviousness determination of patent claims requires teachings from the prior art itself to appear to have suggested the claimed subject matter to a person of ordinary skill in the art.¹⁶ If the suggestion or motivation to combine

¹² U.S. Patent No. 6,681,239 B1, issued January 20, 2004 to Lemilainen et al.

¹³ U.S. Patent No. 6,563,535 B1, issued May 13, 2003 to Anderson.

¹⁴ U.S. Patent Publication US2004/0054834, published March 18, 2004, naming Devins et al. as inventors.

¹⁵ Office Action of July 12, 2005, pages 3 and 4.

¹⁶ See, *e.g.*, *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993).

references is not supported by evidence, the combination is therefore simply an improper use of the inventor's own teachings in hindsight and is not a proper *prima facie* obviousness determination.¹⁷

In making the final rejection of claim 1 and its dependent claims, the Examiner cited to nothing in the prior art that supported the alleged suggestion to combine the teachings of the Stork et al., Bodin et al., and Schwartz et al. references in such a manner as to reach claim 1. There is no rationale presented in the Office Action that indicates that the Examiner derived this suggestion from anywhere outside of Applicants' own teachings. Indeed, the stated suggestion to combine sounds suspiciously similar to the language in claim 1 itself. Specifically, claim 1 recites that its access device is "operable to wirelessly access HTML commands from a network and wirelessly transmit the content",¹⁸ while the Office Action states that it would have been obvious to make the connection because doing so would provide "the ability to obtain network data wirelessly and forward the network data to a display device"¹⁹.

Applicants therefore respectfully traverse the final rejection under §103 of claim 1 and its dependent claims, on the grounds that the Examiner improperly used Applicants' own teachings, in hindsight, in combining the teachings of the various references so as to arrive at the requirements of claim 1 and its dependent claims.

Applicants further respectfully traverse the rejection of claim 1 and its dependent claims on the grounds that the rejection is based on a misinterpretation of the Stork et al. reference.

The Examiner asserted that the Stork et al. reference teaches a display system including an access device that is "operable to access HTML commands from a network and wirelessly transmit the content"²⁰. The reference teaches no such device. The only devices disclosed by the Stork et al. reference that effect any wireless transmission are its "wireless cursor control

¹⁷ *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ3d 1614 (Fed. Cir. 1999) ("Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight.").

¹⁸ Claim 1, prior to the amendment presented in this paper.

¹⁹ Office Action, *supra*, page 4.

²⁰ Office Action, *supra*, page 3.

devices” 150 and 152.²¹ And as evident from the reference, these wireless cursor control devices do not receive any commands or content from a network, nor do they transmit that content; rather, these wireless cursor control devices instead “determine motion in three dimensions as well as the distance between the cursor control device 150 and the screen 100”, and transmit data corresponding to this sensed information to the wireless cursor control sensor.²² Nowhere does the Stork et al. reference anywhere disclose any device that wirelessly transmits HTML commands, or any wirelessly accessed content, to a display device. Indeed, to the extent that content to be displayed is transmitted to a display device according to the Stork et al. reference, such transmitting appears to be carried out over a wired connection.²³ Accordingly, to the extent that the rejection is based on this characterization of the Stork et al. reference, Applicants respectfully submit that the rejection is in error.

Applicants further respectfully submit that the other references of record fail to disclose such an access device that is operable to wirelessly access content comprising HTML commands and wireless transmit the content, as required by proposed amended claim 1. The Bodin et al., MacAulay et al., Devins et al., and Anderson references are completely silent regarding wireless communications. To the extent that the Schwartz et al. and Richardson et al. references disclose wireless communications, neither reference discloses any device that both wirelessly accesses content and wirelessly transmits that content. And to the extent that the Lemilainen et al. reference discloses wireless communications from a computer system under multiple wireless standards, nowhere does the reference anywhere disclose the wireless transmission of content comprising HTML commands, much less in a system that also includes a display device that receives these HTML commands, interprets the commands to generate pixel data, and includes a display engine, as required by proposed amended claim 1. Accordingly, Applicants respectfully submit that the combined teachings of the applied prior art references, although numerous, fall short of the requirements of proposed amended claim 1 and all of its dependent claims.

²¹ Stork et al., *supra*, Figures 1 and 2; column 5, lines 1 through 19; column 5, line 41 through column 6, line 38.

²² Stork et al., *supra*, column 6, lines 13 through 16, lines 31 through 33.

²³ Stork et al., *supra*, Figure 1 (*compare* the wireless link indicators between devices 150, 152 and device 130 to the connection between device 130 and device 110).

Applicants further respectfully submit that proposed amended claim 1 and its dependent claims are patentably distinct over the prior art of record in this case, because there is in fact no suggestion to combine and modify the teachings of the applied references in such a manner as to reach proposed amended claim 1. As mentioned above, all of the references but for the Lemilainen et al. reference fail to disclose the access device of amended claim 1, which is operable to both wirelessly access and transmit content; the Lemilainen et al. reference itself fails to disclose the wireless transmission of content comprising HTML commands in a system that also includes a display device that receives these HTML commands, interprets the commands to generate pixel data, and includes a display engine. Rather, the Lemilainen et al. reference at most discloses a "terminal" that has the capability of accessing different data transmission networks, operating as a multi-mode mobile terminal.²⁴ There is simply no suggestion from the prior art to take these various teachings, combine them, and then modify that combination, in such a manner as to reach the requirements of proposed amended claim 1. Only by the improper hindsight application of Applicants' own teachings²⁵ can such combination and modification of these teachings be made.

Especially considering the important advantages provided by the system of proposed amended claim 1 in enabling the presentations to be uploaded on the Internet and displayed at a remote location, through the use of a portable handheld device such as a personal digital assistant (PDA),²⁶ Applicants respectfully submit that the invention of proposed amended claim 1 and all of its dependent claims is patentably distinct over the prior art. Reconsideration and withdrawal of the final rejections to these claims are respectfully requested.

Claim 12 and its dependent claims were similarly finally rejected under §103 as unpatentable over the combination of the Stork et al. reference in view of the Bodin et al. and Schwartz et al. references, and the other references of record as applied against certain of the claims dependent on claim 12. The Examiner presented no separate rationale for the rejection of

²⁴ Lemilainen et al., *supra*, column 2, line 66 through column 3, line 42.

²⁵ See *above* for discussion of an example of such improper hindsight.

²⁶ See specification, *supra*, page 3, line 2 through page 4, line 15.

claim 12.²⁷ For similar reasons as discussed above relative to proposed amended claim 1, Applicants also respectfully traverse the final rejection of proposed amended claim 12 and its dependent claims. Withdrawal of this rejection is respectfully requested.

As discussed above relative to claim 1, Applicants submit that the Examiner cited nothing in the prior art that supported the alleged suggestion to combine the teachings of the Stork et al., Bodin et al., and Schwartz et al. references, as required by law. The Office Action itself provides no external citation for such suggestion, either with reference to any of the applied references or otherwise. Such external suggestion or motivation is necessary to establish that the combination was not developed through the improper hindsight use of Applicants' own teachings. And as discussed above, the stated motivation for the asserted suggestion is suspiciously similar to the language of claim 1 in this very application, and is itself evidence that such improper hindsight use of Applicants' teachings was in fact used in making the rejection.

Applicants therefore respectfully traverse the final rejection under §103 of claim 12 and its dependent claims, as based on the improper hindsight use of Applicants' own teachings.

Applicants further respectfully submit that the combined teachings of the prior art fall short of the requirements of proposed amended claim 12.

The method of claim 12 requires, among other steps, the receiving of network content, in the form of HTML commands, by way of a wireless receiver in an access device, and the transmitting of the HTML commands from the access device to a display device. Applicants submit that none of the applied references disclose these steps, much less in combination with the other steps of the method of claim 12.

The Stork et al. reference fails to disclose these steps, because there is no device disclosed in the reference that wirelessly receives HTML commands and also transmits those commands to a display device. As discussed above relative to claim 1, the device of the Stork et al. reference that was asserted as corresponding to the access device is a wireless cursor control

²⁷ Office Action, *supra*, page 5.

device, and receives no wireless information much less HTML commands; rather this wireless cursor control device merely senses motion and position and transmits signals accordingly. The other references of record provide no teachings in this regard. The Bodin et al., MacAulay et al., Devins et al., and Anderson references are completely silent regarding wireless communications. The Schwartz et al. reference at most discloses mobile devices that receive wireless signals in a network, the Richardson et al. reference at most discloses a wireless connection between a computer and its detachable display, and the Lemilainen et al. reference at most discloses a multi-mode computer system operating under multiple wireless standards. Applicants therefore respectfully submit that the combined teachings of the applied prior art references, although numerous, fall short of the requirements of proposed amended claim 12 and all of its dependent claims.

And because there is in fact no suggestion to combine and modify the teachings of the applied references in such a manner as to reach proposed amended claim 12, Applicants further respectfully submit that proposed amended claim 12 and its dependent claims are patentably distinct over the prior art of record in this case. As discussed above, there is simply no suggestion from the prior art to take these various teachings of the numerous references, and combine them in a manner as to reach the requirements of proposed amended claim 12. One would obtain no suggestion from these references to arrive at the method of claim 12, especially considering the important advantages provided by the method of claim 12 that stem directly from the differences between the claimed method and the prior art. These advantages include the ability to upload presentations to the Internet and for display at a remote location through the use of a portable handheld device such as a PDA or cell phone. Applicants therefore respectfully submit that the method of proposed amended claim 12 and all of its dependent claims is patentably distinct over the prior art. Reconsideration and withdrawal of the final rejections to these claims are respectfully requested.

For the above reasons, Applicants respectfully submit that entry of this amendment will place all claims now in this case in condition for allowance. Alternatively, Applicants submit that entry of this amendment will place the claims in this case in better condition for appeal.

Entry of this amendment, and reconsideration of this application in light of that amendment and these remarks, are therefore respectfully requested.

Respectfully submitted,



Rodney M. Anderson

Registry No. 31,939

Attorney for Applicants

Anderson, Levine & Lintel, L.L.P.

14785 Preston Road, Suite 650

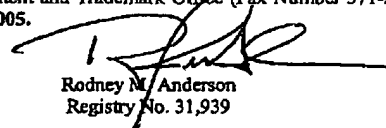
Dallas, Texas 75254

(972) 664-9554

CERTIFICATE OF FACSIMILE TRANSMISSION

37 C.F.R. 1.8

The undersigned hereby certifies that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax Number 571-273-8300) on September 12, 2005.



Rodney M. Anderson
Registry No. 31,939